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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,152	12/07/2001	Edmund G. Chen	004906.P084	1339

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

NGUYEN, VAN KIM T

ART UNIT PAPER NUMBER

2151

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,152

Applicant(s)

CHEN ET AL.

Examiner

Van Kim T. Nguyen

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-26 and 31-35 is/are allowed.
- 6) ☒ Claim(s) 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Office Action is responsive to communications filed on August 12, 2005.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Cam et al (US 2002/0126704), hereinafter Cam.

Regarding claim 27, as shown in Figure 8, Cam discloses a method comprising:

reading a status of a buffer (FIFO) used to receive network packets transmitted from a different chip (e.g., PHY device or Link Layer device, para 0002-0003, para 0006: lines 12-17);  
and

transmitting to the different chip (e.g., PHY device or Link Layer device) an unscheduled flow control packet (e.g., control word can be inserted at any point during the data transfer) including information about the status of the buffer (para 0007-0008);

Regarding claim 28, Cam also discloses the recipient unit includes a buffer (FIFO), wherein the unscheduled flow control packet comprising control data (e.g., TxStart/RxStart; TxClk/RxClk; TxPrty/RxPrty) and port data (TxAddr[n:1] and RxAddr[n:1]), and wherein the unscheduled flow control packet is associated with the buffer (e.g., sequence of ports of one port, para 005 and para 0085).

Regarding claims 29-30, Cam also discloses the buffer is associated with an aggregate of ports through which different ones of the network packet travel, and wherein the port data comprises a bit pattern that is associated with the buffer being used in the aggregate among all available ports (para 0078-0080 and para 0085; esp. para 0078: lines 8-13).

***Claim Rejections - 35 USC § 102***

3. Claims 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramakrishnan (US 6,167,029).

Regarding claim 27, as shown in Figures 4 and 6, Ramakrishnan discloses a method comprising:

reading a status (monitoring a level indicator) of a buffer (604, 606) used to receive network packets transmitted from a different chip (e.g., data transmitted from physical layer to 406, 602; col. 5: lines 16-38, col. 7: lines 7-40, and col. 8: lines 21-23); and

transmitting to the different chip an unscheduled flow control packet (e.g., pause frames are automatically generated based on buffer capacity) including information about the status of the buffer (col. 7: line 41 – col. 8: line 20).

modifying a rate at which a network packet is transmitted to the different chip, based on the information in the unscheduled flow control packet (e.g., data transmission is temporary stopped; col. 6: lines 39-45).

Regarding claim 28, Ramakrishnan also discloses the unscheduled flow control packet comprising control data (510) and port data (502, 504), (col. 6: lines 46-67).

***Response to Arguments***

4. Applicant's arguments, see pages 11-20, filed August 12, 2005, with respect to claims 1-26 and 31-35 have been fully considered and are persuasive. The rejection of claims 1-26 and 31-35 has been withdrawn.

Applicant's arguments filed August 12, 2005, regarding claims 27-30 have been fully considered but they are not persuasive.

Applicant argues that the Office Action contains nothing to suggest that neither Cam nor Ramakrishnan discloses or teaches "unscheduled flow control packet bus", page 15: lines 4-5, and page 18: lines 1-3. However, claim 27 has been rejected based on the same basis as the originally filed method claim 1 which had substantially all the claimed limitations. A method claim is obvious in view of an apparatus claim and vice versa if they each contain substantially the same elements.

Particularly, as shown in Figures 5-6, Cam discloses an unscheduled flow control packet bus (flow control bus, i.e., packet interface for data transfer between the link layer and the PHY device, para 0043-0065).

Also, as shown in Figures 1-12, esp. Figure 9, Ramakrishnan discloses an unscheduled flow control packet bus (e.g., 908, 914-936, col. 10: line 45 – col. 11: line 39).

***Allowable Subject Matter***

5. Claims 1, 3-26 and 31-35 are allowed.

*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

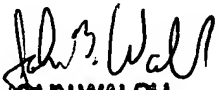
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen  
Examiner  
Art Unit 2151

vkn

  
JOHN WALSH  
PRIMARY EXAMINER